

DORCHESTER COUNTY
DEPARTMENT OF PLANNING & ZONING
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Planning & Zoning Commission
09-02-2020 Meeting Minutes

The Dorchester County Board Planning and Zoning Commission conducted a meeting on Wednesday September 2, 2020 at 12pm in County Office Building Room 110, at 501 Court Lane, Cambridge MD 21613.

Attendees were given the option to come in person or call in:

Planning and Zoning Commission:

- Attending in person:
Robert Hanson, Chair; Jerry Burroughs, Vice-Chair; Commissioners Ralph Lewis, William Windsor, Laura Layton
- Attending by phone:
Mary Losty, William Giese

Also attending (in person):

Herve Hamon, Director of Planning & Zoning; Christopher Drummond, Attorney; Brandon Vermillion, GIS Specialist

- 1- Chairman Hanson called the meeting to order at 12pm, and proceeded with the approval of a change in the agenda (Threesome Auto Salvage to be heard at the end of the meeting); the change was approved.
- 2- Chairman Hanson introduced Mr. Hamon as the new Director of Planning and Zoning
- 3- New Business:

A- Planning and Zoning:

- **Baywater Animal Rescue** – 4930 Bucktown Road, Cambridge – Site Plan #1338A - Site Plan Approval
 - This was an application for the construction of a new 1,008sf wing and associated parking
 - Chairman Hanson received confirmation from the applicant Dr. Divilio that screening was sufficient and lights would remain unchanged
 - Commissioner Windsor asked what the purpose of the wing was/will be; Mr. Divilio responded that it would address the increasing demand in dog adoption, including offices, a training area, a welcome zone and bathrooms for visitors, all designed to facilitate adoption
 - Commissioner Lewis stated that in all the years the Animal Rescue establishment has been in its current location, he had never received any complaints

Vice-Chair Burroughs made a motion to approve the application as submitted; it was seconded by Commissioner Windsor; all approved.

- **Threesome Auto Salvage LLC** – Cordtown Road, Cambridge – Zoning Map Amendment (case #339-03-2020)
 - This was an application for an Amendment of the Dorchester County Zoning Map on a specific 21.81 acres parcel, proceeding with the change from the current Zone AC (Agricultural Conservation) to I-2 (Heavy Industrial), and allow the expansion of a salvage business existing on the adjacent parcel (that parcel is already zoned I-2).
 - Attorney Dodd, representing Mr. Jellick, presented the case, emphasizing how the neighborhood surrounding the subject parcel had acquired an industrial character since the office park on the Southwest of the airport was created.
 - Mr. Dodd also explained that the parcel would be well shielded from view with vegetation buffer, and

- o be the subject of only vehicle storage (no noisy/heavy equipment)
- o Attorney Drummond explained the options available in the process:
 - Either a review by the Planning & Zoning Commission leading to a recommendation to County Council, with public hearing for a zoning ordinance modification, and spot rezoning of the parcel
 - Or rezoning of the parcel as part of the modification of the Zoning Map pursuant to the Comprehensive Plan adoption (anticipated around Christmas 2020)
- o Mr. Drummond also stressed to the Commission that once the parcel was changed from AC (Agricultural Conservation) to I-2 (Heavy Industrial), all the permitted uses associated with that zone would be permissible, including heavy machinery
- o Mr. Hamon raised the issue of proximity of residential, both in the case of an existing residential lot surrounded by the parcel in question, as well as the potential future residential development on the North part of Cordtown Road
- o Commissioner Windsor expressed that the potential future uses should not weigh in on the recommendation provided by the Commission at this given time; and he re-affirmed how critical the design of the site plan with trees and buffer would be

Commissioner Windsor made a motion to provide a favorable recommendation with the proposal of rezoning, to be heard by Council and request County Council to rezone the parcel based on a change in zoning in the surrounding area from Agricultural Conservation to Industrial (with the reserve that the rezoning delineation may need to be adjusted in relation to the Comprehensive Plan at adoption); Commissioner Losty seconded that motion, all approved.

- o **Enders Residence** – 4405 Horseman Road, Taylor Island – Administrative Variance – Structures Replacement & Upgrade
 - This was an application to replace / rebuild the existing barn and main house, mostly in the same locations on the parcel (Critical Area, Tidewater Buffer/Extended Buffer regulations and Flood Plain regulations all apply)
 - o Mr. Hamon explained how the proposed barn would be equivalent in size of the existing, and moved further away from the shoreline; he also explained that the proposed enlarged house would use most of the footprint of the existing dwelling, be raised up for flood elevation requirements and provide an extension within the Buffer Zoning Requirement Table towards the new barn, away from the shoreline
 - o Mr. Hamon expressed that the Planning and Zoning Department would be vigilant in checking that none of the expended dwelling will impact negatively the tidewater buffer area.

Commissioner Layton made a motion to approve the application – administrative variance as submitted; Commissioner Windsor seconded that motion, all approved.

B- Board of Zoning Appeal cases:

- o **Godlee Residence** – 22 Bellevue Avenue, Cambridge – Side Yard Setback Variance – BOA case #2659
 - This is an application being submitted to the Board of Appeals, to reduce the side yard setback requirement in order to build a screened in porch off the kitchen; the house is situated off to one side of the parcel, making the 15 foot min. setback an issue on the north side, where the porch is desired

Based on the evidence and documents presented, the P&Z Commission made a favorable recommendation to the Board of Appeals for this application. Next BOA meeting is scheduled for September 24, 2020.

- o **Bell Residence** – 3713 Fairfax Circle, East New Market – Front Yard Setback Variance – BOA case #2660
 - This is an application being submitted to the Board of Appeals for a new proposed pole building with new garage accessible from front yard driveway; parcel is a corner lot with triangular back yard which features septic and well
 - o Mr. Hamon explained how the location of the new pole building would allow to create a third enclosed off street parking space, as well as provide privacy and safety to the pool, otherwise exposed to the public right of way
 - o Mr. Hamon also stressed out the fact that in its proposed location, the new pole building would be located 51 feet from the curb (36 feet from the front yard property line because of a large drainage ditch)

Based on the evidence and documents presented, the P&Z Commission made a favorable recommendation to the Board of Appeals for this application. Next BOA meeting is scheduled for September 24, 2020.

- **REK Firearms / Rescue Firehouse** – 1616 Hudson Road, Cambridge – Special Exception for Commercial Use – BOA case #2661
 - This is an application being submitted to the Board of Appeals to use the defunct Hudson Road firehouse for a gun shop. The property is located 100% in the RC zone, 100% in the Critical area, and 100% in the AE Flood Zone 4.0; 75% of the lot is in the Tidewater Buffer with the remaining 25% is in the Extended Buffer zone, and 40% of the lot features a MDE Trust Easement.
 - Mr. Hamon presented the specifics and constraints of the site; expressed the error on the SDAT sheet calling the use “commercial” when in effect the parcel in question is located in the Resource Conservation (RC) zone
 - Attorney Drummond explained how industrial and commercial uses were both prohibited in the RC zone, and how the only way to be granted a commercial use involved receiving a Growth Allocation in RC district from the Critical Area Commission. In recent past, parcels which were granted proportional Growth Allocation were in the range of 20 acres, this parcel is less than 1 acre.
 - In an open discussion, Ms. Kramer, the applicant, explained how the gun shop would also include offices and training/safety classrooms.
 - Mr. Drummond and Mr. Hamon both expressed how difficult, if not impossible, it would be for the applicant to be granted commercial use for this property, given its location and conservation easements
 - Mr. Drummond stated that the decision from Mr. Steve Ball, prior Director of Planning and predecessor to Mr. Hamon, should stand on not pursuing a change of the parcel to allow commercial use

Chairman Hanson expressed that the Commission is recommending to the Board of Appeal (BOA) to hear this case and consider all facts and evidence involving the rezoning, including the former director’s correspondence, the impact on the MDE Trust Easement and the Critical Growth Allocation program requirements. Next BOA meeting is scheduled for September 24, 2020.

- **Harris Accessory Structure** – 4375 Cabin Creek Road, Hurlock – Side Yard Setback Variance – BOA case #2662
 - Application to build a lean-to structure attached to the garage (detached from the main house) encroaching 1’- 2.5” into the 6 foot side yard setback (lean-to has to be 14 foot wide to accommodate boat dimensions)
 - Mr. Hamon explained the constraints faced by the applicant: the requested dimension of the lean-to being a result of the size of the boat being stored underneath
 - Mr. Drummond reminded the Commission that for variance cases, hardship cannot be self-imposed

Chairman Hanson deferred any recommendation to the Board of Appeals evaluation of the case. Next BOA meeting is scheduled for September 24, 2020.

- **Discussion** about encroachment percentage, administrative review process to replace full P&Z and BOA when the encroachment is deemed minor (for example up to or less than 10% of the setback value, or representing less than a certain percentage of the overall width/depth of the lot)
 - The Commission established with Mr. Drummond’s advice that all changes to the zoning regulations having to do with proposing administrative / staff review in cases of minor variations would be addressed by modifying the Zoning Code, and be voted in by Ordinance Amendment approved at County Council.

C- Dorchester County 2020 Comprehensive Plan – Review of comments received from MD Department of Planning

A meeting with AECOM, the Comprehensive Plan consultant, Chairman Hanson and Mr. Hamon is scheduled for September 15, 2020. The comments from the State clearing house will be reviewed and implemented when fit. Other jurisdictions and adjoining municipalities comments will be implemented if appropriate as well. The revised Comprehensive Plan will then be subject to a public presentation prior to the official hearing with Council. Adoption of the 2020 Dorchester County Comprehensive Plan is expected by year end.

Respectfully submitted:

Herve O. Hamon, AICP, RA, LEED AP
Director of Planning and Zoning

Reviewed:  Chairman R. Hanson

11/6/21